

Application Control Number: 09/664,190
Art Unit: 3657

AMENDMENTS TO THE DRAWINGS

Please replace FIG. 1 currently on file with FIG. 1 submitted herewith.

Reference numeral 38 has been replaced with reference numeral 18 to support the specification.

No new matter has been entered.

REMARKS

In the Office Action, the Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference number 18 mentioned in line 12 from the bottom of pg. 5 of the specification. Accordingly, the Examiner requested corrected drawing sheets in compliance with 37 CFR 1.121(d) in reply to the Office action to avoid abandonment of the application.

Replacement drawing sheet containing FIG. 1 is submitted herewith. Reference numeral 38 has been replaced with reference numeral 18 in FIG. 1. No new matter has been entered.

Accordingly, the Examiner is respectfully requested to withdraw objection to the drawings as failing to comply with 37 CFR 1.84(p)(5).

The Examiner also objected to the abstract of the disclosure is objected to because it is too long and requested correction in accordance with MPEP § 608.01(b).

Abstract of the disclosure has been amended to fit into allotted 150 word count.

Accordingly, the Examiner is respectfully requested to withdraw objection to the abstract of the disclosure.

Moving now onto more substantive issues, the Examiner rejected claim 1 under 35 U.S.C. 102(e) as being anticipated by US Patent 6394559 to Ring et al. The Examiner stated that

"The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Re: claim 1. Ring et al. show in figure 2 apparatus to enable automatic release of a railway vehicle hand brake system 11 from either side of such vehicle, said apparatus comprising: (a) a source 14 of fluid pressure engageable with such vehicle; (b) a release cylinder 40 operable by fluid pressure connected to a hand brake mechanism, such hand brake mechanism engageable with a brake system disposed on such vehicle; (c) a valve means 54 connected intermediate said source of fluid pressure and said release cylinder for causing said release cylinder to release such hand brake system; (d) a first valve actuation means 38 disposed on a first side of such vehicle and connected intermediate said valve means and said source of fluid pressure for causing said valve means to initiate communication of fluid pressure from said source of fluid pressure to said release cylinder; and (e) a second valve actuation means 48 disposed on an opposed second side of such vehicle and connected intermediate said valve means and said source of fluid pressure for causing said valve means to initiate communication of fluid pressure from said source of fluid pressure to said release cylinder."

Claim 1 has been amended in response to this Office Action and now recites in paragraph (c) "a two-position, three-way valve means..." The support for this limitation is clearly

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shown in FIG. 1. The valve 54 of Ring is a two way check valve that does not anticipate (and works entirely different than) a two-position, three-way valve 18, 38 of the present invention.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by US Patent 6394559 to Ring et al.

Applicants note with appreciation that claims 2-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner also stated that

"US Patent 6848754 to Ring et al. disclose the use of a fluid pressure source 76, a cylinder shown surrounding element 32, a valve means 62,64,52,68 connected between the source and the cylinder, a first valve actuation means 46 (electrically controlled) and a second valve actuation means 56,60 and even teaches that the second valve actuation means may be electrically controlled via an electric signal instead of the pushbutton, but the '754 patent is directed to enabling automatic *application* instead of release of a railway vehicle handbrake."

Accordingly, new claim 18 has been formed by merger of claims 1 and 2 and new claim 19 has been formed by merger of claims 1 and 9.

CONCLUSION

In view of the above amendments to the claims and the remarks associated therewith, Applicants believe that

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Independent Claims 1, 18 and 19 are in a condition for allowance and such allowance by the Examiner is respectfully requested. Since it is believed that Independent Claim 1 is in condition for allowance, its dependent claims further providing limitations are also in a condition for allowance.

In view of the above amendments to the drawings and abstract of the disclosure it is believed that this application should be passed to issue.

In the event the Examiner has further difficulties with the allowance of the application, the Examiner is invited to contact the undersigned agent by telephone at 847-687-8804 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,



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